

## Chapter 14.222

### TRANSFER OF DEVELOPMENT RIGHTS

#### Sections:

- 14.222.010 Purpose
- 14.222.020 Definitions
- 14.222.030 Authorized and Priority TDR Sending Areas
- 14.222.040 Authorized Receiving Areas
- 14.222.050 TDR Credit Use and Exchange Rates
- 14.222.060 Program Evaluation

#### **14.222.010 Purpose.**

- A. This chapter is adopted pursuant to the Growth Management Act, Chapter 36.70A RCW. Transfer of Development Rights (TDR) is intended to provide a general public benefit by permanently protecting valuable community assets such as resource lands, critical areas, open space, and other lands for which preservation is preferred over development or redevelopment. TDR allows eligible land owners to achieve a reasonable economic return while protecting the resource land from development by voluntarily transferring development potential from these lands to locations better suited for urban development. TDR constitutes a voluntary, incentive-based approach to land use management.
- B. The provisions of this chapter supplement existing land use regulations by allowing increased development potential in TDR receiving areas designated by ordinance.

#### **14.222.020 Definitions.**

**Development right** means one of a series of rights inherent in fee simple ownership of land. It represents the potential for the improvement of a parcel of property, as

measured in the number of potential residential dwellings or square footage of commercial use allowed by the property's land use designation and site attributes.

**Receiving site or area** means one or more properties designated by ordinance to which TDR credits may be transferred for the right to develop property in excess of the development potential entitled by-right.

**Sending site or area** means one or more properties from which TDR credits may be transferred to use in a designated TDR receiving site as provided in SMC 14.222.030.

**TDR certificate** means a recorded document issued by Snohomish County representing one TDR credit that may be submitted as part of an application for development of a receiving site to allow additional development consistent with the adopted exchange rate.

**TDR credit** means a tradable commodity representing one certified development right.

**TDR exchange rate** means the development increment represented by one TDR credit for a specific receiving area, as may be measured in building area, building height, lot coverage, residential density, number of residential dwellings, or other development provisions as provided by this chapter.

**Transfer of development rights (TDR)** means the method by which the entitlement to develop property within a designated sending area may be sold for use within an eligible receiving site or area. At a designated receiving site, TDR credits can be exchanged for the license to place an increment of development on the receiving site in excess of the extent of development otherwise allowed.

**14.222.030 Authorized and Priority Sending Areas.**

- A. All properties for which transferrable development rights have been certified by Snohomish County are authorized TDR sending areas for the City of Snohomish TDR Program.
  
- B. The 17 certified development rights purchased by the Cascade Land Conservancy between February 3, 2009, and June 30, 2009, from forest lands in Snohomish County shall have priority over all other TDR credits and shall be the only TDR credits accepted by the City until each TDR certificate representing such credits is extinguished or is otherwise determined by the City to be removed from the market.

**14.222.040 Authorized Receiving Areas.**

Receiving areas shall include only those properties designated by ordinance. The Pilchuck District land use designation is designated a TDR receiving area subject to any limitations specified in Chapter 14.212 SMC.

**14.222.050 TDR Credit Use and Exchange Rates.**

- A. Where specifically authorized in Title 14 SMC, one or more whole TDR credits may be used to exceed the building height, density, or other development standard allowed by-right, subject to the limitations and requirements in this section and conformance to all other applicable development regulations. A TDR credit shall have no value except as specified in this title for a specific receiving site.
  - 1. The exchange rate of TDR credits shall be established by ordinance as amended from time to time, and the exchange rate of a TDR credit shall be based on the standards in effect at

the time a land use application requiring TDR credits is determined complete as provided by SMC 14.55.012.

- 2. Within the Pilchuck District land use designation:
  - a. Each TDR credit associated with a development application determined complete prior to January 1, 2017, shall have an exchange rate of 18,000 square feet of gross floor area above the third story.
  - b. Each TDR credit associated with a development application determined complete on or after January 1, 2017, shall have an exchange rate of 14,000 square feet of gross floor area above the third story.
  
- B. Use of TDR credits shall be subject to the following:
  - 1. TDR credits shall be approved for use in designated receiving areas only.
  - 2. If located within a shoreline environment designation, building height shall not exceed the limitations in the Snohomish Shoreline Master Program.
  - 3. The development potential represented by one TDR certificate may be applied to more than one building only when all buildings are on one contiguous site and approved as part of one land use application. Otherwise, fractional TDR credits shall not be accepted as part of a building permit application.

4. The use of TDR credits shall not entitle the bearer to establish or expand land uses other than those permitted under Title 14 SMC for the land use designation in which the site is located or to modify other development standards except as specifically provided in Title 14 SMC. Development permitted with the use of TDR credits shall be subject to all applicable codes, standards, and requirements for impact mitigation.
  
5. No building permit requiring the use of TDR credits shall be issued prior to submittal of an original TDR certificate.

**14.222.060 Program Evaluation.** To ensure consistency of the TDR program with current development market conditions, the City shall evaluate adopted exchange rates at intervals no greater than five years.

(Ord. 2216, 2011)